

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

AERITAS, LLC,

Plaintiff,

V.

OFFICE DEPOT, LLC,

Defendant.

CIVIL NO. W-22-CV-00986-ADA

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Derek T. Gilliland. ECF No. 38. The report recommends Defendant's Motion to Dismiss, ECF No. 14, be **DENIED WITHOUT PREJUDICE**. The report and recommendation was filed on March 28, 2024.

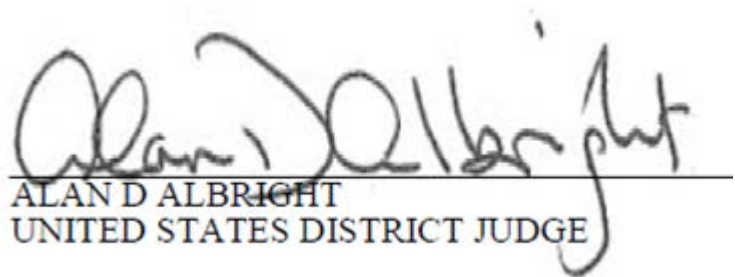
A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing de novo review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). As of today, neither party has filed objections.

When no objections are timely filed, a district court reviews the magistrate judge’s report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee’s note (“When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”). The Court has reviewed the report and recommendation and finds no clear error.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Gilliland, ECF No. 38, is **ADOPTED**.

IT IS FURTHER ORDERED that Defendant Office Depot, LLC's Motion, ECF No. 14, is **DENIED WITHOUT PREJUDICE** to re-raising patent eligibility at the summary judgment stage.

SIGNED this 15th day of April, 2024.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE